



**OPASTCO**

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June 6, 2003

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

***Ex Parte Notice***

**RE: Federal-State Joint Board on Universal Service  
CC Docket No. 96-45**

Dear Ms. Dortch,

On Friday, June 6, 2003, John Rose and Stuart Polikoff of the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) and Daniel Mitchell of the National Telecommunications Cooperative Association (NTCA) met with Commissioner Kevin Martin and his senior legal advisor, Daniel Gonzalez. In that meeting, OPASTCO and NTCA advocated the inclusion of equal access to interexchange service into the list of services supported by the high-cost universal service fund. That decision should be made in the proceeding on the definition of services supported by universal service. Resolution of this issue should not be deferred to the proceeding on the portability of high-cost support, which is now before the Joint Board.

Adding equal access to the universal service definition would promote long distance competition in high-cost rural areas and advance customer choice. In rural areas, equal access is critical to facilitating long distance service options and rates that are reasonably comparable to those available in urban areas.

When a wireless carrier is designated as an eligible telecommunications carrier (ETC) it is holding itself out as a substitute for the services offered by a local exchange carrier (LEC). The fact that Congress required all LECs to provide equal access

demonstrates that it is in the public interest, and therefore all ETCs should be required to provide it. Furthermore, as the universal service support going to wireless ETCs has grown significantly in recent years, it is important that equal obligations apply to all carriers that wish to receive limited universal service funding.

Finally, adding equal access to the universal service definition does not conflict with the prohibition on an equal access requirement for mobile service providers in section 332(c)(8) of the 1996 Act. ETC status is sought voluntarily, and a general exemption from a regulatory requirement cannot be equated with conditions that attach only to carriers that choose of their own volition to seek ETC designation.

In accordance with FCC rules, this letter is being filed electronically in the above-captioned docket.

Sincerely,

Stuart Polikoff  
Director of Government Relations  
OPASTCO